



## Public Health Committee

### **Testimony of Dr. Neena Singh of Quest Diagnostics Regarding S.B. 1201**

MARCH 23, 2011

Good morning Senator Gerratana, Representative Ritter and members of the Public Health Committee.

Quest Diagnostics is the nation's leading provider of diagnostic testing, information and services. The company operates one of its regional laboratories in Wallingford, Connecticut, where we employ more than 800 people.

We join Representatives Pam Sawyer and Peggy Sayers in supporting the intent of this legislation--to allow the patient who is the subject of laboratory testing, as well as any licensed provider the patient designates, to have direct access to laboratory test results. In addition, it is our understanding that the intent of the bill is to permit physicians to have easier access to results of laboratory tests on patients under their care, where the tests have been ordered by other physicians treating the patient.

Unfortunately, the bill as drafted does not accomplish those goals. We look forward to reviewing a redraft of the bill that will reflect our understanding of the original intent of the legislation.

Federal law—both the Clinical Laboratory Improvement Amendments of 1988 (CLIA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA)—does not expressly prohibit medical specialists or patients from obtaining test results, but generally defers to state laws regarding acceptable practices associated with the disclosure of laboratory results.

Furthermore, in March 2010, CMS issued interpretive guidelines to remove perceived barriers under CLIA to enable states to implement Health Information Exchanges (HIEs). Those guidelines expressly state that CLIA permits patients and medical specialists to obtain test results unless otherwise restricted by state law. While many states' laws are silent on this issue, Connecticut is one of the very few states which explicitly prohibit anyone other than the ordering practitioner to receive test results directly from the clinical laboratory.

The current Connecticut law was enacted before the existence of health information exchanges and other electronic advances, and this legislation should enable eHealth CT and the Health Information Technology Exchange of Connecticut to successfully implement their programs.

We believe that, once this bill has been redrafted, it will remove needless barriers to access to laboratory test results for both patients and medical specialists. Availability of all of a patient's laboratory results decreases ordering of repeat or unnecessary tests, lowering costs and improving patient care. We are in support of the legislation's intent and recommend that any concerns that might warrant specific exceptions or limits on the ability for patients or medical specialists to obtain laboratory test results be handled through the regulatory process, in order to allow for future advances in technology.

We appreciate the opportunity to express our views, and we look forward to working with you to enact meaningful improvements in the current law.

## Proposed language for S.B. 1201

At the request of the patient, a provider, a clinical laboratory or other testing facility shall notify a patient of any test results in the provider's, clinical laboratory's or other testing facility's possession. In addition, upon the request of the patient or based on the request of a treating provider of a patient, a clinical laboratory or other testing facility shall provide test results to any other provider who is treating the patient, of any test results requested by the ordering provider for the purposes of diagnosis, treatment or prognosis of such patient.